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A History of Environmental Racism in a West Oakland Neighborhood

Chester Street Block Club Association files civil rights complaint - Environmental Racism Alleged.

The Chester Street Neighborhood is home to the most expensive freeway construction project in the world. Other imminent domain projects completely isolate the community.

The high cost of the Cypress Freeway Replacement can not be attributed to toxic waste cleanup cost because "no cleanup" took place. The high cost of the freeway construction resulted from the state paying subsidies to white collar criminals who have misappropriated the cost of pollution controls onto the residents of the Chester Street-South Prescott Neighborhood.

Equal Protection

No child should have to live near a toxic waste dump, drink water contaminated with chemicals, or eat foods poisoned with pesticides. To make America the greatest country in the world in the next century, we must provide for a cleaner and healthier environment. This is not a luxury, it is not an option. It is about self preservation and our children's future.

President Bill Clinton

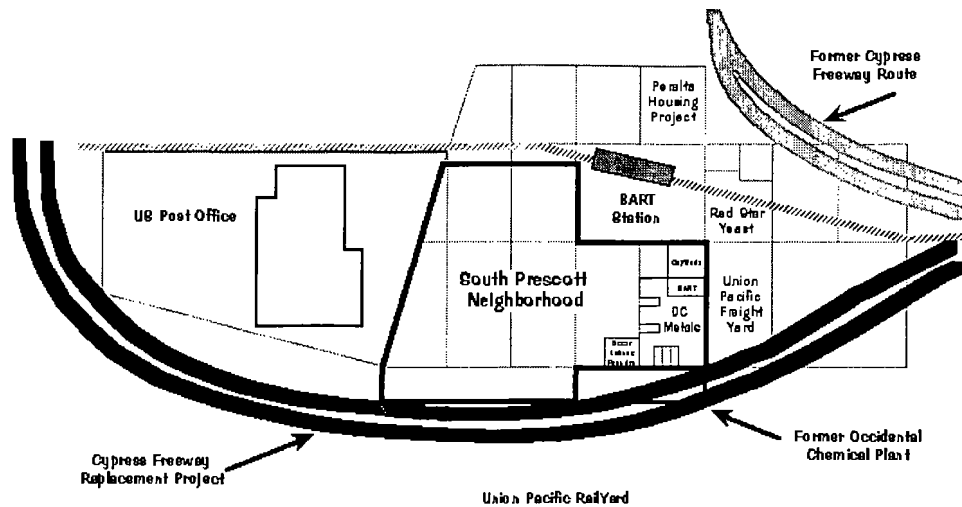
Environmental Racism

The residents probably should have done a little bit of background checking on the neighborhood they were moving into because this isn't something that just occurred. I mean when you live next door or across the street from a recycling center, a wrecking yard, a chemical plant the chances are there is probably something in the ground.

**Caltrans Spokesperson Stephen Williams,
December 28, 1996**

South Prescott's Imminent Domain Boundaries





Click on figure for larger image.

"No Cleanup" plan for Toxic Waste Sites

On Christmas Eve 1996, the California Department of Transportation (Caltrans) would begin driving piles through a hazardous waste site to support the footings of the Cypress Freeway Replacement. The California Department of Toxic Substance Control (DTSC) had stopped the freeway construction activities at the former Occidental Chemical Plant site after the discovery of significant chemical wastes in soils and groundwater at the property. Caltrans' freeway construction at the Occidental Chemical Plant site continued after DTSC approved a "no cleanup" plan. DTSC attributed the contamination to the former AMCO Chemical Plant across the street from the construction site. At the time DTSC "no cleanup" decision was announced the US EPA was beginning a \$1.8 million dollar emergency response action at the AMCO Chemical site.

The South Prescott neighborhood's opposition to the "no cleanup" plan for the Occidental Chemical Plant site was reflected in the sentiments of over 200 people who attended the public hearing on the proposed plan, and by the over four hundred oral and written comments DTSC received during the public comment period. Opposition to the plan was so overwhelming that a review of the 400 plus comments shows that DTSC did not receive a single comment that supported continuing with the freeway construction until cleanup was complete and it was safe to do so.

The timing of DTSC's decision and Caltrans insistence on beginning construction on Christmas Eve and before the community had an opportunity to review responses to community concerns was greeted with open hostility by residents. A reaction that was so rationale, that it was anticipated by Caltrans who paid extra city and state police to guard the construction site after the decision was announced.

What makes this state-sponsored environmental injustice so incomprehensible is that it comes in the face of residents' environmental racism accusations. These accusation are substantiated by compelling evidence that DTSC has been unwilling to enforce, and the fact

that responsible parties have failed to comply with environmental laws in the past. Instead of the state taking the opportunity now to atone for its past negligence, it instead has forced the community's health to compensate for the political unpopularity of traffic congestion on the Bay Bridge approach.

California earthquakes have caused Caltrans to rethink both its environmental justice record and freeway routes through West Oakland in the past. If the Cypress Freeway Replacement were to suffer a fate similar to its predecessor, Caltrans will be forced to relearn these lessons on environmental justice as has been so quick to forget.

FOIA ex 5 Inter/
Intra Agency
Memo



Despite their moral and legal obligation

- Union Pacific
- Occidental Chemical
- AMCO Chemical
- Cal-Trans
- **DC Metals**

refuse to put their names on this sign.

Plenty of Criminal Polluters, No Pollution Cops

The Environmental Impact Report (EIR) prepared by Caltrans in 1990 did not identify the Occidental Chemical and AMCO Chemical Plant sites in the list of 54 toxic waste sites along the two alternative freeway routes. If Caltrans had made an inquiry of either of the current property owners, these sites would have likely been identified as toxic waste sites. Such inquiries of property owners are a standard of practice for conducting preliminary environmental assessments.

In the case of the Occidental Chemical Plant site, Union Pacific filed the **underground storage tank** release notification form on November 2, 1990, over six months after discovering the leak during tank removal in February 1990. State regulations require filing the notification form within 72 hours. It appears that Union Pacific's failure to file a timely report contributed to the failure of Caltrans to identify this site in the EIR.

In December 1989, following purchase of the AMCO Chemical site by **DC Metals**, the **underground storage tanks** were removed without a permit. Again no release notification form was filed with Alameda County and this failure to report a tank leak contributed to the failure of Caltrans to identify this site in the EIR.

Of course the lapses by **DC Metals**, Union Pacific, and Caltrans pale in comparison to DTSC's misplacing the case file for AMCO Chemical. First in 1985, and again in 1988 the Oakland Fire Department would request the help of DTSC in addressing public health issues at the AMCO Chemical Plant. Unresponsive in 1985, in 1988 DTSC requested that Alameda County drop enforcement activities against the AMCO Chemical Plant owner and then proceeded to misplace the case file from 1989 to 1996.

Collectively, through conspiracy or coincidence, DTSC, Caltrans, AMCO Chemical, **DC Metals**, and Union Pacific prevented the proper environmental evaluation of the freeway project and were jointly responsible for the delays in construction of the Cypress Freeway Replacement at the Third and Mandela site.

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